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10/633,936	08/04/2003	Tristram W. Himmele		4947

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EXAMINER

STULTZ, JESSICA T

ART UNIT PAPER NUMBER

2873

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Ak

**Office Action Summary**

Application No.

10/633,936

Applicant(s)

HIMMELE, TRISTRAM W.

Examiner

Jessica T. Stultz

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to: See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Double Patenting*

Claim 31 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,369,958 (herein referred to as Himmele '958). Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following reasons.

Regarding claim 31, claim 1 of Himmele '958 discloses a sports viewing apparatus comprising, in combination: an adjustable head support (an adjustable head securing strap); at least one telescopic device coupled to the head support (a user focusable binocular assembly connected to the head securing strap); a radio attached to the head support (an AM/FM/SCANNER radio secured to the head securing strap); earphones attached to the head support (earphones secured to the head securing strap), wherein the earphones are coupled to the radio (wherein the radio has earphones attached).

Claims 21, 23, and 28-29 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,369,958 (herein referred to as Himmele '958) in view of Beller et al.

Regarding claims 21, 23, and 28-29, claim 1 of Himmele '958 discloses a sports viewing apparatus comprising, in combination: a head support for holding the assembly on a person's head (an adjustable head securing strap); a binocular assembly attached to the head support, the binocular assembly allowing viewing an event from a distance (a user focusable binocular assembly connected to the head securing strap); a radio, specifically a scanner, attached to the head support (an AM/FM/SCANNER radio secured to the head securing strap); at least one

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earphone coupled to the radio (wherein the radio has earphones attached), and earmuffs (Claim 1), but does not specifically disclose a camera optically coupled to the binocular assembly. Beller et al teaches of a visor including a radio, i.e. a means for receiving radio signals (Column 4, lines 39-57, wherein the antenna "17" is the radio, Figure 1) and a camera (Column 3, lines 42-51, wherein the camera is "15", Figure 1) for the purpose of providing wireless visual communication from the user to the remote terminal (Column 3, lines 42-51). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the sports viewing assembly of Himmele '958 to further include a camera optically coupled to the binoculars and for the head support to be a visor since Beller et al teaches of a visor including a radio, i.e. a means for receiving radio signals and a camera for the purpose of providing wireless visual communication from the user to the remote terminal.

Claims 21, 23, 28, and 31-36 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,614,603 (herein referred to as Himmele '603). Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following reasons.

Regarding claim 21, Himmele '603 discloses a sports viewing apparatus comprising, in combination: a head support for holding the assembly on a person's head; a binocular assembly attached to the head support, the binocular assembly allowing viewing an event from a distance; a radio attached to the head support; at least one earphone coupled to the radio, a camera optically coupled to the binocular assembly (Claims 1-2, 4, 9 and Claims 17 and 22).

Regarding claim 23, Himmele '603 further discloses apparatus shown above and limitations therein (Claims 1-2 and 17-18).

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Regarding claim 28, Himmele '603 further discloses apparatus shown above and limitations therein (Claims 1 and 8).

Regarding claim 31, claim 1 of Himmele '603 discloses a sports viewing apparatus comprising, in combination: an adjustable head support; at least one telescopic device coupled to the head support; a radio attached to the head support; earphones attached to the head support, wherein the earphones are coupled to the radio (Claims 10 and 17).

Regarding claim 32, Himmele '603 further discloses apparatus shown above and limitations therein (Claim 10).

Regarding claim 33, Himmele '603 further discloses apparatus shown above and limitations therein (Claim 17).

Regarding claim 34, Himmele '603 further discloses apparatus shown above and limitations therein (Claims 17-18).

Regarding claim 35, Himmele '603 further discloses apparatus shown above and limitations therein (Claims 17 and 19).

Regarding claim 36, Himmele '603 further discloses apparatus shown above and limitations therein (Claim 17).

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686

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F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 39 is rejected under 35 U.S.C. 102(b) as being anticipated by Truesdale.

Regarding claim 39, Truesdale discloses an apparatus for viewing events (Column 1, line 8-12, wherein the headgear “10” is used to view sporting events, Figures 1-5) comprising: a means for holding the apparatus on a human head (Column 2, lines 33-42, wherein the means for holding the apparatus on a human head is head gear “10”, Figures 1-5); a telescopic means for telescopically viewing the events (Column 2, lines 32-53, wherein the telescopic means are binoculars “12” which are attached to headgear “10” and are used to view sporting events, Figures 1-5); a receiving means for receiving a radio signal and producing an audio signal; a

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transducer means for producing sound from the audio output signal (Column 3, lines 3-17 and Column 3, lines 41-50, wherein the radio includes receiver "70" and a transducer that transduces the radio signals to audio signals which are transmitted to earphones "54", Figures 1-5); whereby when the apparatus is worn by a human, distant events can be conveniently observed while listening to the sound related to the radio signal (Column 3, lines 3-50, wherein the earphones "54" are coupled to the radio "70" and attached to headgear "10" for the user to hear the radio signals while watching sporting events, Figures 1-5).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-22, 24, 27-30, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Truesdale in view of Beller et al.

Regarding claims 21 and 29, Truesdale discloses a sports viewing assembly (Column 1, line 8-12, wherein the headgear is used to view sporting events, Figures 1-5) comprising in combination: a head support for holding the assembly on a person's head (Column 2, lines 33-42, wherein the head support is head gear "10", Figures 1-5); a binocular assembly attached to the head support (Column 2, lines 32-53, wherein binoculars "12" are attached to headgear "10", Figures 1-5); the binocular assembly allowing viewing of an event from a distance (Column 1, lines 47-57, wherein the binoculars are used to view sporting events at a distance) a radio attached to said head support (Column 3, lines 3-17 and Column 3, lines 41-50, wherein the

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radio includes receiver "70" and wherein the radio is connected to headgear "10", Figures 1-5); at least one earphone coupled to said radio (Column 3, lines 3-50, wherein the earphones "54" are coupled to the radio "70" and attached to headgear "10", Figures 1-5), but does not specifically disclose that the head support includes a camera optically coupled to the binocular assembly or that the assembly is a visor. Beller et al teaches of a visor including a radio, i.e. a means for receiving radio signals (Column 4, lines 39-57, wherein the antenna "17" is the radio, Figure 1) and a camera (Column 3, lines 42-51, wherein the camera is "15", Figure 1) for the purpose of providing wireless visual communication from the user to the remote terminal (Column 3, lines 42-51). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the sports viewing assembly of Truesdale to further include a camera optically coupled to the binoculars and for the head support to be a visor since Beller et al teaches of a visor including a radio, i.e. a means for receiving radio signals and a camera for the purpose of providing wireless visual communication from the user to the remote terminal.

Regarding claim 22, Truesdale and Beller et al disclose and teach of a sport viewing assembly including a camera attached to the assembly, but do not specifically disclose that the camera is removable. However the camera would inherently be removable, this being reasonably based upon the camera being attached to the visor on an adjustable mount "18" which could easily be removed by completely removing the mount from the visor (Column 4, lines 38-65). Regardless it would have been obvious to one of ordinary skill in the art at the time the invention was made for the camera to be removed since it is well known in the art for cameras to be removed for the purpose of attaching a new camera or to provide the user to reload film in the



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camera or make repairs to the camera. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the camera of Truesdale and Beller et al to be removed since it is well known in the art for cameras to be removed for the purpose of attaching a new camera or to provide the user to reload film in the camera or make repairs to the camera.

Regarding claim 24, Truesdale and Beller et al disclose and teach of a sports viewing assembly as disclosed above, but do not specifically disclose that the apparatus includes image stabilization. However, it is well known in the art of telescopic devices for the devices to include image stabilization for the purpose of providing clear images to the user. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the assembly of Truesdale and Beller et al to further include image stabilization since it is well known in the art of telescopic devices for the devices to include image stabilization for the purpose of providing clear images to the user.

Regarding claims 27-28, Truesdale and Beller et al disclose and teach of a sports viewing assembly as disclosed above, but do not specifically disclose that the radio is a satellite or scanner radio. However, it is well known in the art of radios for radios to be satellite or scanner radios for the purpose of supplying the user with nationwide radio signals of various different sporting events. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the assembly of Truesdale and Beller et al to further include a satellite or scanner radio since it is well known in the art of radios for radios to be satellite or scanner radios for the purpose of supplying the user with nationwide radio signals of various different sporting events.

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Regarding claim 30, Truesdale and Beller et al disclose and teach of a sports viewing assembly as disclosed above, but do not specifically disclose that the apparatus includes a lens cover for the binocular assembly. It is inherent from Truesdale that the binoculars include a lens cover, this being reasonably based upon the need for the binoculars to be adjustable between used and unused positions and the need for the lens to be covered and protected in the unused position (Column 2, lines 32-61).

Regarding claim 40, Truesdale discloses a sports viewing assembly as shown above, but does not specifically disclose that apparatus include photographic means cooperating with the telescopic means for recording images of the events. Beller et al teaches of a visor including a radio, i.e. a means for receiving radio signals (Column 4, lines 39-57, wherein the antenna "17" is the radio, Figure 1) and a camera, i.e. a photographic means, (Column 3, lines 42-51, wherein the camera is "15", Figure 1) for the purpose of providing wireless visual communication from the user to the remote terminal (Column 3, lines 42-51). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the sports viewing assembly of Truesdale to further include a camera optically coupled to the binoculars since Beller et al teaches of a visor including a radio, i.e. a means for receiving radio signals and a camera for the purpose of providing wireless visual communication from the user to the remote terminal.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Truesdale in view of Beller et al and further in view of Desimone.

Regarding claim 23, Truesdale and Beller et al disclose and teach of a sports viewing assembly as disclosed above, but do not specifically disclose that assembly include earmuffs.

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Desimone teaches of a helmet including earmuffs and an earphone for the purpose of receiving radio communication from a remote source (Column 2, lines 6-34, wherein the helmet "11" contains earmuffs "24" and speakers "32", Figures 1-5). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the sports viewing assembly of Truesdale and Beller et al to further include earmuffs since Desimone teaches of a helmet including earmuffs and an earphone for the purpose of receiving radio communication from a remote source.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Truesdale in view of Beller et al and further in view of Stone.

Regarding claim 25, Truesdale and Beller et al disclose and teach of a sports viewing assembly as disclosed above, but do not specifically disclose that assembly include a laser pointer. Stone teaches of a cap including a laser pointer for the purpose of providing a golfer with instant feedback and a point of reference when the head moves (Abstract and Column 3, line 25-Column 4, line 13, wherein the laser pointer "12" is attached to a hat, Figure 1). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the sports viewing assembly of Truesdale and Beller et al to further include a laser pointer since Stone teaches of a cap including a laser pointer for the purpose of providing a golfer with instant feedback and a point of reference when the head moves.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Truesdale in view of Beller et al and further in view of Tocher.

Regarding claim 26, Truesdale and Beller et al disclose and teach of a sports viewing assembly as disclosed above, but do not specifically disclose that the apparatus includes a

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rangefinder. Tocher teaches of a telescopic device, specifically binoculars, including a rangefinder for the purpose of allowing measurement of distance from a device to targets of interest (Column 3, lines 8-44 and Column 3, line 65-Column 4, line 22, wherein the rangefinder is "12" and the binoculars are "14", wherein the rangefinder is used to measure the distance between the viewing device and distant targets, Figure 1). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the viewing assembly of Truesdale and Beller et al to further include a rangefinder since Tocher teaches of a telescopic device, specifically binoculars, including a rangefinder for the purpose of allowing measurement of distance from a device to targets of interest.

Claims 31-33 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Truesdale.

Regarding claims 31 and 33, Truesdale discloses a sports viewing assembly (Column 1, line 8-12, wherein the headgear is used to view sporting events, Figures 1-5) comprising in combination: a head support (Column 2, lines 33-42, wherein the head support is head gear "10", Figures 1-5); at least one telescopic device coupled to the head support (Column 2, lines 32-53, wherein the telescopic device is binoculars "12" attached to headgear "10", Figures 1-5); a radio attached to said head support (Column 3, lines 3-17 and Column 3, lines 41-50, wherein the radio includes receiver "70" and wherein the radio is connected to headgear "10", Figures 1-5); earphones attached to the head support and coupled to the radio (Column 3, lines 3-50, wherein the earphones "54" are coupled to the radio "70" and attached to headgear "10", Figures 1-5), but does not specifically disclose that the head support is adjustable or that the earphones are removable. However the head support would inherently be adjustable and the earphones

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removable, this being reasonably based upon the head gear being disclosed as a cap or hat made of plastic, fabric, or leather in order to fit on a person's head (Column 2, lines 33-42) and since the earphones are attached to the headgear by a locking stop held placed into a slot and they are adjusted by moving the locking stop within the slot and therefore could easily be removed by completely removing the locking stop from the slot (Column 3, lines 3-29). Regardless it would have been obvious to one of ordinary skill in the art at the time the invention was made for the head support to be adjustable since it is well known in the art of caps and hats to be adjustable for the purpose of accommodating a broad range of head sizes of the users and for the earphones to be removed for the purpose of attaching new earphones, earmuffs or to provide the user the ability to listen to external sounds. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the head support of Truesdale to be adjustable since it is well known in the art of caps and hats to be adjustable for the purpose of accommodating a broad range of head sizes of the users and for the earphones to be removed for the purpose of attaching new earphones, earmuffs or to provide the user the ability to listen to external sounds.

Regarding claim 32, Truesdale discloses a sports viewing assembly including a radio attached to the assembly and further discloses that the radio is removable (Figures 2 and 5, wherein the headgear "10" does not include the radio "70").

Regarding claim 38, Truesdale discloses a sports viewing assembly as disclosed above, but does not specifically disclose that the apparatus includes image stabilization. However, it is well known in the art of telescopic devices for the devices to include image stabilization for the purpose of providing clear images to the user. Therefore it would have been obvious to one

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having ordinary skill in the art at the time the invention was made for the assembly of Truesdale to further include image stabilization since it is well known in the art of telescopic devices for the devices to include image stabilization for the purpose of providing clear images to the user.

Claims 34 and 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Truesdale in view of Desimone.

Regarding claims 34 and 41, Truesdale disclose and teach of a sports viewing assembly as disclosed above, but do not specifically disclose that assembly include earmuffs, i.e. means for protecting the human's ears from cold weather. Desimone teaches of a helmet including earmuffs and an earphone for the purpose of receiving radio communication from a remote source (Column 2, lines 6-34, wherein the helmet "11" contains earmuffs "24" and speakers "32", Figures 1-5). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the sports viewing assembly of Truesdale to further include earmuffs, i.e. means for protecting the human's ears from cold weather, since Desimone teaches of a helmet including earmuffs and an earphone for the purpose of receiving radio communication from a remote source.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Truesdale in view of Beller et al.

Regarding claim 35, Truesdale disclose and teach of a sports viewing assembly as disclosed above, but does not specifically disclose that assembly include a microphone removably attached to the head support. Beller et al teaches of a visor including a removable microphone for the purpose of allowing two-way audio communication for the head mounted system (Column 4, line 66-Column 5, line 7, wherein the microphone "29" is on the movable

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frame "12" which can easily be removed). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the sports viewing assembly of Truesdale to further include a microphone removably attached to the head support since Beller et al teaches of a visor including a removable microphone for the purpose of allowing two-way audio communication for the head mounted system.

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Truesdale in view of Stone.

Regarding claim 36, Truesdale discloses a sport viewing assembly as disclosed above, but does not specifically disclose that assembly includes a laser pointer. Stone teaches of a cap including a laser pointer for the purpose of providing a golfer with instant feedback and a point of reference when the head moves (Abstract and Column 3, line 25-Column 4, line 13, wherein the laser pointer "12" is attached to a hat, Figure 1). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the sports viewing assembly of Truesdale to further include a laser pointer since Stone teaches of a cap including a laser pointer for the purpose of providing a golfer with instant feedback and a point of reference when the head moves.

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Truesdale in view of Tocher.

Regarding claim 37, Truesdale disclose a sports viewing assembly as disclosed above, but does not specifically disclose that the apparatus includes a rangefinder. Tocher teaches of a telescopic device, specifically binoculars, including a rangefinder for the purpose of allowing measurement of distance from a device to targets of interest (Column 3, liens 8-44 and Column

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3, line 65-Column 4, line 22, wherein the rangefinder is "12" and the binoculars are "14", wherein the rangefinder is used to measure the distance between the viewing device and distant targets, Figure 1). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the viewing assembly of Truesdale to further include a rangefinder since Tocher teaches of a telescopic device, specifically binoculars, including a rangefinder for the purpose of allowing measurement of distance from a device to targets of interest.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Newkirk is cited as having some similar structure to the claimed invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



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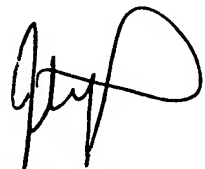
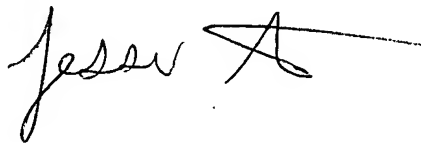
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica T. Stultz whose telephone number is (571) 272-2339.

The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jessica Stultz  
Patent Examiner  
AU 2873  
April 26, 2005



JORDAN SCHWARTZ  
PRIMARY EXAMINER